REMARKS

Claims 1-24 were pending when last examined. All pending claims are shown in the detailed listing above.

Claim Rejections – 35 USC § 102

Claims 1-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Balamurugan et al. (USPN 6,320,795 B1). Applicant respectfully traverses.

The Examiner's rejection of claims 1-24 depends on a distorted interpretation of the prior art. The Examiner states, "Balamurugan et al. discloses that line 14 is a bit line. However, line 14 can be interpreted as one of a plurality of bus lines and lines connecting from register file cell 10 or 40 to line 14 can be called bit lines (x16)." The Examiner attempts to defend this so-called "interpretation" of the disclosure of Balamurugan et al. by stating, "It is noted that 'the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art....'"

Such an "interpretation" of Balamurugan et al. not only distorts the teachings of the reference; it actually contradicts what is disclosed in Balamurugan et al. By the Examiner's own admission, Balamurugan et al. clearly disclose that the item identified by reference numeral 14 is a "bit line." But the Examiner takes the position that the very item which the Balamurugan et al. identify as a bit line is not a bit line. Instead, another element which is not even named or specifically referred to in the disclosure of Balamurugan et al. is the "bit line" as recited in Applicant's claim.

It is completely inappropriate for the Examiner to redefine the elements in Balamurugan et al. in this way. Under the Examiner's approach, any element clearly identified in a reference as one thing can be re-named to be something else entirely different. Thus, for example, the "capacitance 22" in Balamurugan et al. could be identified as a "resistor," or "transistor 16" in Balamurugan et al. could be identified as a "transformer."

The language of the claims would essentially be meaningless because no matter what terms are used, the Examiner could give a purported "broadest reasonable meaning" of such terms that is completely inconsistent with not only with the teachings of the Application but even with the prior art. If the very language of Balamurugan et al. cannot be relied upon as representative of what is the understanding of one of ordinary skill in the art for any of the claim terms in the present Application, then it should not constitute prior art.

For all of the reasons given above, the Examiner's rejection of the claims cannot stand. In short, the Examiner's position is as follows: the teachings of the prior art are valid as long as they can be used support the Examiner's rejection of the claims; when the teachings of the prior art are inconsistent with the Examiner's use in rejecting the claims, then the prior art teachings are wrong. Such a position is clearly inappropriate. Either the elements of Balamurugan et al. are what the reference says they are, or Balamurugan et al. cannot be used as prior art for Applicant's invention. In either case, the Examiner's rejection ultimately fails.

Accordingly, Applicant respectfully requests that the rejection of claims 1-24 under 35 U.S.C. § 102(e) be withdrawn and these claims be allowed.

CONCLUSION

Applicant respectfully requests that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7428.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/12/05 Richard A. Park

Date Signature

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